

overly excited until such time as the President actually signs the bill. But I am very encouraged, Mr. President, that the force of this idea has continued to support it and the force of this concept means, I think, that it is an idea whose time has come. That being the case, I feel very confident that, if not now, we will eventually pass legislation to rebuild our crumbling schools so that America's schoolchildren are given suitable environments in which they can learn.

With that, I thank the Chair and I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVE JUDGMENT

Mr. SPECTER. Mr. President, I have sought recognition to comment on statements made earlier today by Senator LEAHY concerning Independent Counsel Kenneth Starr. Senator LEAHY has challenged Mr. Starr on a number of items, matters of very substantial concern.

I telephoned Mr. Starr to find out what the facts were. Both Senator LEAHY and I are on the Judiciary Committee, which has oversight over the Department of Justice and also the independent counsel. Senator LEAHY began his presentation by noting that he had spent nearly a decade as a prosecutor, and I have a similar background, actually a little longer than a decade, but about the same. Senator LEAHY then commented about his concern about law enforcement being nonpartisan and nonideological, and on the facts. I most certainly agree with Senator LEAHY on his assertions to that extent. Then Senator LEAHY proceeded to criticize Mr. Starr for conducting a partisan investigation, for making leaks to the press, by coordinating the investigation with what is going on in the civil case involving Ms. Paula Jones, and charging that there was a sting operation to engage the President of the United States in secretly recorded conversations. All of these are obviously very serious accusations.

Mr. President, it seems to me that the current controversy involving the President and Ms. Monica Lewinsky is something that ought to be put behind the country at the earliest possible time. I made public statements last week when the President was questioned about this matter, while Chairman Arafat was in his office, and said that I thought it inappropriate to have that question and bad practice for the President to respond to that question, and made public statements last week and over the weekend about what I consider to be an unwise media frenzy

on this matter—that we all ought to wait and see what the facts are before coming to any conclusions, and in the interim the President ought to be permitted to carry out his duties because they are very, very important duties.

I agree with what Senator LEAHY said when he recited the issues of foreign policy, Iraq, the State of the Union, and the matters which the President has to deal with.

There have been many reports in the press about what Mr. Starr did and how he got into this investigation and whether his activities were an inappropriate extension of what he had been authorized to do prior to the time he took his first steps on this matter involving Ms. Monica Lewinsky. Mr. Starr told me this afternoon in a telephone conversation that he did engage in a consensual monitoring in the eastern district of Virginia on a conversation with Ms. Linda Tripp and Ms. Monica Lewinsky. It was a consensual monitoring because it was consented to by Ms. Linda Tripp. Mr. Starr told me that Ms. Linda Tripp had been a witness on independent counsel matters in the past involving the White House Travel Office and Mr. Foster, and that the consensual monitoring was undertaken to corroborate what Ms. Linda Tripp had told Mr. Starr independently.

Mr. Starr said it was an appropriate exercise of his existing jurisdiction because in his investigation involving Mr. Webster Hubble, Mr. Hubble's situation involved a matter where an individual was involved in providing job arrangements for Mr. Hubble outside the District of Columbia with a certain prospective employer. Mr. Starr said that the same person was involved in providing a job opportunity for Ms. Monica Lewinsky outside the District of Columbia with the same prospective employer and that this connection was sufficient for Mr. Starr to proceed with this consensual monitoring, which Mr. Starr pointed out was done professionally by the FBI and, as Mr. Starr described it, in a completely appropriate manner. Mr. Starr advised that he then took this matter to the Department of Justice after he had completed the consensual monitoring.

Mr. President, I will not become involved here in what the factual allegations are, what Ms. Tripp said or what Ms. Lewinsky said, because the issue which concerns me and the thrust of what Senator LEAHY complained about is the propriety of Mr. Starr's activity, and that need not involve the allegations and the substance. I think there has already been enough talk about that, in any event.

Mr. Starr then advised that he took the tape recordings to the Department of Justice, met with the senior attorney and the public integrity section. There was a collaborative determination between the Department of Justice and independent counsel as to who should carry out the further investigation. Mr. Starr advised that the Attor-

ney General then asked the special court of the District of Columbia Circuit to specifically enlarge Mr. Starr's jurisdiction so that he could proceed with this investigation.

Now, we all know that Attorney General Reno has been very circumspect in the independent counsel issue as to appointment and as to extending jurisdiction—that has been a subject matter which has been talked about on this floor a great deal, to a substantial extent by this Senator. But the facts as Mr. Starr outlined them are that he proceeded in this way just as outlined, which is entirely appropriate because of the connection between what happened with Ms. Monica Lewinsky and what happened with Mr. Webster Hubble. That was obviously approved by Attorney General Reno when she then acted on information which Mr. Starr brought to her to request the special court of the District of Columbia Circuit to enlarge Mr. Starr's jurisdiction.

I asked Mr. Starr further about the other statements which Senator LEAHY had made. I now quote from the transcript:

Senator LEAHY: I look at the continuing and very selective leaks and tactics employed by Mr. Starr's office over the last few years and particularly over the last few days.

I asked not only Mr. Starr about the leaks, which he emphatically denied, but also about the composition of the personnel who were handling this sensitive material, and Mr. Starr gave me some substantial detail about the attorneys who were on the matter in terms of their backgrounds and in terms of their professionalism, which Mr. Starr says is the effort made and he thinks is always the effort made, to avoid the leaks. We all know in Washington, DC, or for that matter, any place, the difficulty of establishing leaks, but if someone makes a contention, as Senator LEAHY does, as to leaks, the question is, what is the proof of those leaks.

Mr. Starr made an emphatic denial regarding the leaks, and spoke of the professionalism of the people that have the confidential information.

Senator LEAHY went on to say earlier today, "I have seen reports of two weekends ago that he," referring to Mr. Starr, "was intent on conducting a sting operation to engage the President of the United States in secretly recorded conversations. Have we sunk this low, Mr. President, that we would do things like this?"

I asked Mr. Starr about that, and he emphatically denied it. I, too, have seen press reports about the proposed sting operation, but I think it is very important that as we accord the President the presumption of innocence and as we look for proof before coming to any judgments about anyone, that the same thing apply to Mr. Kenneth Starr, the independent counsel, and that a serious accusation about the sting operation ought to have some authentication and verification before it

is made on the floor of the U.S. Senate. At least that is my opinion.

Senator LEAHY went on earlier today saying, "I have seen complaints," he is referring to Mr. Starr, "he sought to curse a young woman"—I asked Kenneth Starr about that, and again he denied it in absolute terms—"and threatened her mother and father if she did not cooperate." Again, Mr. Starr denied that in absolute terms.

Senator LEAHY then went on to say, "Mr. Starr's office seems oddly coordinated to aid the civil lawsuit against the President involving the Miss Paula Jones case." Again I asked Mr. Starr about that, and it has been denied.

Mr. President, I make these comments after talking to Kenneth Starr, particularly to state for the record exactly how Mr. Starr got into this matter on the consensual monitoring. A consensual monitoring under Virginia law is appropriate when one party to the conversation agrees to it so that in the action by Mr. Starr and the FBI agents in recording the conversation of Ms. Monica Lewinsky and Ms. Linda Tripp, where Ms. Linda Tripp has consented to it—that was a lawful consensual monitoring—and as explained by Mr. Starr, the nexus or connection justifying his conduct was because the same person had suggested providing a job opportunity for Ms. Monica Lewinsky with the same employer who had made similar activity with respect to Mr. Webster Hubble.

It would be my hope that as this matter proceeds, that there would be a toning down of the decibel level and a real effort made to find out what the facts are before accusations are made against anybody. I think that applies to President Clinton, as I said so last week and over the weekend, and applies to Mr. Starr, and there has been a concern expressed that there is now an orchestrated effort made to discredit Independent Counsel Kenneth Starr. I do not know whether that is true or not. There have been a number of statements coming out, but whatever the charges and accusations that were made against anybody—President Clinton, Independent Counsel Starr, anyone—they ought to be backed up by the facts and not a recitation of something that appeared in the newspaper where we know of the questionable reliability of what appears in the press.

The real issue here is not necessarily what Mr. Starr has done but what the underlying facts are on the substantive matter at issue. If Mr. Starr has acted in an inappropriate manner, that can be reviewed at some time. When you deal with issues such as those involved here, we are not looking at a respective criminal case where the admissible evidence is judged on certain standards. We are looking at a real determination to find what the facts are so that we can make a determination as to what ought to be done in this matter.

It is my view that once the facts are asserted, there will be general agreement about what the conclusions ought

to be. But it is not the Independent Counsel's conduct at issue here. I think the Independent Counsel ought to conduct himself in a manner which comports with the manner of decency. That is his job and responsibility. Also, I think that he is entitled not to be vilified in newspaper headlines or newspaper stories. But the facts ought to be ascertained. The facts as Mr. Starr outlines them to me justify the steps that he took. That is not my view alone; that is corroborated by what Attorney General Reno has done in the case.

Mr. President, in the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitted sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 84

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table.

The PRESIDENT. Mr. Speaker, Mr. Vice President, Members of the 105th Congress, distinguished guests, my fellow Americans:

Since the last time we met in this chamber, America has lost two patriots and fine public servants. Though they sat on opposite sides of the aisle, Representatives Walter Capps and SONNY BONO shared a deep love for this House and an unshakeable commitment to improving the lives of all our people. In the past few weeks they have been eulogized; tonight, let us send a message to their families and friends—let us celebrate their lives, and give thanks for their service to their nation.

For 209 years, it has been the President's duty to report to you on the State of the Union. Because of the hard work and high purpose of the American

people, these are good times for America. We have more than 14 million new jobs. The lowest unemployment in 24 years. The lowest core inflation in 30 years. Incomes are rising, and we have the highest homeownership in history. Crime has dropped for a record five years in a row, and the welfare rolls are the lowest in 27 years. Our leadership in the world is unrivaled. The state of our union is strong.

But with barely 700 days left in the 20th Century, this is not a time to rest; it is a time to build, to build the America within our reach.

An America where everybody has a chance to get ahead with hard work. Where every citizen can live in a safe community. Where families are strong, schools are good, and all young people can go on to college. An America where scientists find cures for diseases from diabetes to Alzheimers to AIDS. An America where every child can stretch a hand across a keyboard and reach every book ever written, every painting ever painted, every symphony ever composed.

Where government provides opportunity, and citizens honor the responsibility to give something back to their communities. An America which leads the world to new heights of peace and prosperity.

This is the America we have begun to build; this is the America we can leave to our children—if we join together to finish the work at hand. Let us strengthen our nation for the 21st Century.

Rarely have Americans lived through so much change, in so many ways, in so short a time. Quietly but with gathering force, the ground has shifted beneath our feet, as we move into an information age, a global economy, a truly new world.

For five years now, we have met the challenge of these changes as Americans have at every turning point—by renewing the very idea of America; widening the circle of opportunity, deepening the meaning of our freedom, forging a more perfect union.

We have shaped a new kind of government for the Information Age. I thank the Vice President for his leadership and the Congress for its support in building a government that is leaner, more flexible, a catalyst for new ideas. Most of all, a government that gives the American people the tools they need to make the most of their own lives.

We have moved past the sterile debate between those who say government is the enemy and those who say government is the answer. My fellow Americans, we have found a third way. We have the smallest government in 35 years, but a more progressive one. We have a smaller government, but a stronger nation.

We are moving steadily toward an even stronger America in the 21st Century. An economy that offers opportunity. A society rooted in responsibility. And a nation that lives as a community.